

Adulteration of the article was alleged in the libels for the reason that a substance, water or brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

It was further alleged in substance in the libels that the article was misbranded, in that the statements, to wit, "Riviera Brand Oysters Contents 5 Oz. Packed By C. B. Foster Packing Co. Inc., Biloxi, Miss.," "Jewett's High Grade Brand Oysters Contents 5 Oz. Avd. Packed For Jewett Bros. & Jewett, Sioux Falls, S. D.," and "Dacotah Brand Oysters Contents 5 Ozs. Packed For Andrew Kuehn Co. Sioux Falls, S. D.," as the case might be, borne on the can labels of respective portions of the product, implied that it was a normal sound product, whereas water or brine had been mixed with and had been substituted wholly or in part for the said article.

On December 10, 1925, the Marine Products Co., Biloxi, Miss., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant to be relabeled, upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14003. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Product released under bond to be relabeled and sold as fertilizer. (F. & D. No. 18395. I. S. No. 948-v. S. No. E-4740.)

On February 20, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of cottonseed meal, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the International Vegetable Oil Co., from Savannah, Ga., on or about November 23, 1923, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 pounds Net Second Class Cotton Seed Meal Manufactured By The International Vegetable Oil Co., Atlanta, Georgia. Guaranteed Analysis: Crude Protein 36% (Equivalent to 7% Ammonia)."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the product was labeled, "Cotton Seed Meal Guaranteed Analysis: Crude Protein 36% (Equivalent to 7% Ammonia)," which statements were false and misleading and deceived and misled the purchaser, since the article was deficient in protein.

On June 2, 1924, the Lucas Bros. Co., Tampa, Fla., having appeared as claimant for the property and having given bond for compliance with the law and order of the court, by relabeling and selling the product as fertilizer, it was ordered by the court that the product be released to the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14004. Adulteration and misbranding of morphine and atropine tablets, fluid extract stramonium leaves, fluid extract nux vomica, tincture cinchona, tincture opium, and fluid extract jaborandi. U. S. v. Irwin, Neisler & Co. Plea of nolo contendere. Fine, \$180. (F. & D. No. 19713. I. S. Nos. 22820-v, 22822-v, 22823-v, 22826-v, 22827-v, 22830-v.)

On December 11, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about November 1, 1924, from the State of Illinois into the State of Missouri, of quantities of morphine and atropine tablets, fluid extract stramonium leaves, fluid extract nux vomica, tincture cinchona, tincture opium (laudanum), and fluid extract jaborandi, respectively, which were adulterated and misbranded. The articles were labeled in part: "Irwin, Neisler & Co. * * * Decatur, Ill.," and were further labeled as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The morphine and atropine tablets contained $\frac{2}{9}$ grain of morphine sulphate each; the stramonium leaves fluid extract yielded 0.14 gram of the alkaloids of stramonium per 100 milliliters; the nux vomica fluid extract yielded 1.31 grams of the alkaloids of nux vomica per 100 milliliters; the cinchona tincture yielded 0.49 gram of the alkaloids of cinchona per 100 milliliters and contained 58.4 per cent by volume of alcohol; the opium tincture yielded 0.90 gram of anhydrous morphine per 100 milliliters, equivalent to not more than 41.1 grains of granulated opium per fluid ounce; the jaborandi fluid extract yielded 0.768 gram of the alkaloids of pilocarpus per 100 milliliters and contained 50 per cent by volume of alcohol.

Adulteration was alleged in the information with respect to the morphine and atropine tablets for the reason that the strength of the article fell below the professed standard under which it was sold, in that each of the said tablets was represented to contain $\frac{1}{4}$ of a grain of morphine sulphate, whereas each of a number of said tablets contained a less amount.

Adulteration of the extract stramonium leaves was alleged for the reason that it was sold as fluid extract stramonium leaves, to wit, fluid extract of stramonium, a name recognized in the National Formulary, and differed from the standard of strength as determined by the test laid down in said National Formulary, official at the time of investigation, and the standard of strength of the article was not plainly, that is, it was not correctly, stated on the container thereof. Adulteration of the said fluid extract stramonium leaves was alleged for the further reason that its strength fell below the professed standard under which it was sold.

Adulteration was alleged with respect to the remaining products for the reason that the fluid extract nux vomica, the tincture cinchona, and the tincture opium were sold under names recognized in the United States Pharmacopœia, and the fluid extract jaborandi was sold under a name recognized in the said pharmacopœia as a synonym for fluid extract of pilocarpus, and the said articles differed from the standard of strength as determined by tests laid down in said pharmacopœia, official at the time of investigation, and the standard of strength of the said articles was not stated upon the respective containers thereof. Adulteration of the fluid extract nux vomica and the tincture opium was alleged for the further reason that their strength fell below the professed standard under which they were sold.

Misbranding of the morphine and atropine tablets was alleged for the reason that the statement, to wit, "Morphine Sulph. $\frac{1}{4}$ gr.," borne on the label of the bottle containing the said tablets, was false and misleading, in that the said statement represented that each of the tablets contained $\frac{1}{4}$ grain of morphine sulphate, whereas each of a number of said tablets contained less than $\frac{1}{4}$ grain of morphine sulphate.

Misbranding of the extract stramonium leaves was alleged for the reason that the statements, to wit, "Fluid Extract Stramonium Leaves," and "Each minim of this extract represents 1 gr. of select drug," borne on the bottle labels, were false and misleading, in that the said statements represented that the article was fluid extract of stramonium as defined in the National Formulary and that each minim of said article contained 1 grain of stramonium, whereas the article was not fluid extract of stramonium as defined in said National Formulary, in that it yielded less than 0.22 gram of the alkaloids of stramonium per 100 milliliters of said article, namely, not more than 0.14 gram of the alkaloids of stramonium per 100 milliliters of said article, whereas the National Formulary provided that 100 milliliters of fluid extract of stramonium should yield not less than 0.22 gram of the alkaloids of stramonium, and each minim of said article did not contain one grain of stramonium but did contain a less quantity. Misbranding of the extract stramonium leaves was alleged for the further reason that the bottle containing the article failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

Misbranding of the extract nux vomica was alleged for the reason that the statements, to wit, "Fluid Extract Nux Vomica," and "Standard of Strength. Each cubic centimeter represents 1 gram of select drug," borne on the bottle labels, were false and misleading, in that the said statements represented the article to be fluid extract of nux vomica as defined in the United States Pharmacopœia and that each cubic centimeter of the article contained 1 gram of nux vomica, whereas it was not fluid extract of nux vomica as defined in the said pharmacopœia, in that it yielded less than 2.37 grams of the alka-

loids of nux vomica per 100 mils. of the article, the amount prescribed in the pharmacopœia, and each cubic centimeter did not contain 1 gram of nux vomica, but did contain a less amount.

Misbranding of the tincture cinchona was alleged for the reason that the statement, to wit, "Tinct. Cinchona," borne on the bottle labels, was false and misleading, in that the said statement represented that the article was tincture of cinchona as defined in the United States Pharmacopœia, whereas it was not, in that it yielded less than 0.8 gram of the alkaloids of cinchona per 100 mils of the article, the amount prescribed in the said pharmacopœia. Misbranding of the said tincture cinchona was alleged for the further reason that the bottle containing the article failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

Misbranding of the tincture opium was alleged for the reason that the statements, to wit, "Tinct. Opium, U. S. (Laudanum)" and "Opium, 48 gr. to fl. oz.," borne on the bottle labels, were false and misleading, in that the said statements represented that the article was tincture of opium (laudanum) as defined in the United States Pharmacopœia, and that each fluid ounce of the article contained 48 grains of granulated opium (the kind of opium specified by the said pharmacopœia for the preparation of tincture of opium), whereas the said article was not tincture of opium (laudanum) as defined in the said pharmacopœia, in that it yielded less than 0.95 gram of anhydrous morphine per 100 mils of said article, the amount prescribed in the said pharmacopœia, and each fluid ounce of said article did not contain 48 grains of said opium, but did contain a less amount.

Misbranding of the fluid extract jaborandi was alleged for the reason that the statement, to wit, "Fluid Extract Jaborandi," a name recognized in the United States Pharmacopœia as a synonym for fluid extract of pilocarpus, borne on the bottle labels, was false and misleading, in that the said statement represented that the article was fluid extract of pilocarpus as defined in said pharmacopœia, whereas the article was not fluid extract of pilocarpus as so defined, in that the said pharmacopœia provided that 100 mils of fluid extract of pilocarpus should yield not more than 0.65 gram of the alkaloids of pilocarpus, whereas the said article yielded more than 0.65 gram of the alkaloids of pilocarpus per 100 mils of the article. Misbranding of the fluid extract jaborandi was alleged for the further reason that the bottle failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

On December 29, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$180.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14005. Misbranding of tomatoes. U. S. v. Sterling Wholesale Co. Plea of guilty. Fine, \$50. (F. & D. No. 18585. I. S. Nos. 8507-v, 8509-v.)

On November 23, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sterling Wholesale Co., a corporation, Ogden, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about August 20 and 25, 1923, respectively, from the State of Utah into the State of Colorado, of quantities of tomatoes in boxes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 23, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14006. Adulteration of butter. U. S. v. 75 Tubs, et al., of Butter. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 20369, 20425, 20453, 20454, 20455. I. S. Nos. 1912-x, 1913-x, 1914-x, 2004-x, 2005-x, 2006-x. S. Nos. C-4801, C-4804, C-4819.)

On or about August 3 and 13 and September 2, 1925, respectively, the United States attorney for the Middle District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,400 tubs of